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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,700	08/31/2000	JAMES R PERRY	102689-47/00-U0067	5481

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EXAMINER

WANG, LIANG CHE A

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,700

Applicant(s)

PERRY ET AL.

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/31/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 have been examined

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of

record in the file:

- a. Some of the **Information Disclosure Statements** in paper number 2 as received on 1/19/2001 are not being considered because the Examiner is not able to locate them.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17, 20-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Zwan et al., US Patent Number 5,808,920, hereinafter Zwan.

5. Referring to claim 1, Zwan has taught a method of managing a telecommunication network, comprising:

presenting a Synchronous Optical Network (SONET) path configuration wizard to a user (Col 2 lines 56-64, Col 3 lines 48-50), including:

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- a. presenting the user with a selection of SONET path configuration options corresponding of a network device port (Col 10 lines 3-4, Figure 4);
 - b. receiving a SONET path configuration option selection from the user (Col 2 lines 57-64); and
 - c. displaying a graphical representation of a SONET path configuration in accordance with the user selection (Col 7 lines 30-34.)
6. Referring to claim 2, Zwan has further taught, implementing the SONET path configuration with the network device (Col 2 lines 46-49.)
7. Referring to claim 3, Zwan has further taught wherein displaying a graphical representation of a SONET path configuration comprises: displaying a graphical representation of a each SONET path position within the SONET path configuration (Col 7 lines 30-34.)
8. Referring to claim 4, Zwan has further taught wherein displaying a graphical representation of a SONET path configuration comprises: displaying a graphical representation of a each SONET path width within the SONET path configuration (Col 7 lines 30-34.)
9. Referring to claim 5, Zwan has further taught wherein the SONET path configuration comprises one SONET path (Col 7 lines 23-25.)
10. Referring to claim 6, Zwan has further taught wherein the SONET path configuration comprises a plurality of SONET paths (Col 7 lines 27-30.)
11. Referring to claim 7, Zwan has further taught, displaying a SONET path table including an entry for each SONET path within the SONET path configuration (see figure 4.)

12. Referring to claim 8, Zwan has further taught wherein presenting the user with a selection of SONET path configuration options comprises: presenting a configuration shortcut representing a typical SONET path configuration for the network device port (Col 1 lines 11-14, and Fig 4, item 126.)
13. Referring to claim 9, Zwan has further taught wherein the configuration shortcut is a first configuration shortcut and the typical SONET path configuration path configuration and wherein the presenting the user with a selection of SONET path configuration options further comprises: presenting a second configuration shortcut representing a second typical SONET path configuration for the network device port (Action Keys in Figure 4 are considered as other configuration path shortcuts that is presented to the user.)
14. Referring to claim 10, Zwan has further taught wherein the configuration shortcut comprises a single concatenated path (item 126, figure 4, shortcut is a concatenated path.)
15. Referring to claim 11, Zwan has further taught wherein the configuration shortcut comprises an inventory of SONET path configurations that each completely consume the network device port's capacity (Col 3 lines 44-48, the invention is implemented to a communication line test device.)
16. Referring to claim 12, Zwan has further taught wherein if the SONET path configuration option selection from the user corresponds to the configuration shortcut, the method further comprise:
 - presenting a number of paths inventory (figure 4);
 - presenting a type of paths inventory (Col 4 lines 58-60);

receiving a number of path or a type of paths selection from the user (Col 2 lines 57-64);

17. Referring to claim 13, Zwan has further taught wherein presenting the user with a selection of SONET path configuration options comprises presenting a custom configuration option (Col 2 lines 57-60, allowing user input is providing a custom configuration option.)
18. Referring to claim 14, claim 14 encompasses the similar scope of the invention as that of the claim 12. Therefore, claim 14 is rejected for the same reason as the claim 12.
19. Referring to claim 15, claim 15 is a method claim, which repeats the steps describes in claim 14. Therefore is rejected for the same reason as the claim 14.
20. Referring to claim 16, Zwan has further taught wherein prior to presenting a SONET path configuration wizard to the user the method further comprises: presenting a graphical user interface (GUI) to the user; and selecting a network device port from the GUI (Col 2 lines 37-40.)
21. Referring to claim 17, Zwan has further taught wherein selecting the network device port from the GUI comprises: selecting the network device port from a network device mimic (Col 2 lines 56-64, the test device is viewed as an network device mimic.)
22. Referring to claim 20, Zwan has further taught wherein prior to selecting the network device port from the GUI, the method further comprises: selecting the network device from the GUI (Col 1 lines 25-27, invention is used to test network device, therefore prior to selecting the network device port, the network device must be selected.)

23. Referring to claim 21, Zwan has further taught wherein after presenting a SONET path configuration wizard to a user, the method further comprises: receiving a network device port selection (Col 2 lines 57-64.)
24. Referring to claim 22, claim 22 encompasses the similar scope of the invention as that of the claim 12. Therefore, claim 22 is rejected for the same reason as the claim 12.
25. Referring to claim 23, Zwan has taught a network management system comprising: a SONET path configuration wizard capable of presenting valid SONET path configuration options to a user (Col 2 lines 57-64, Col 3 lines 48-50.)
26. Referring to claim 24, Zwan has further taught wherein the SONET path configuration wizard comprises: a SONET position graphic and a SONET width graphic (Col 7 lines 31-34);
27. Referring to claim 25, Zwan has further taught wherein the SONET path configuration wizard comprises a SONET path table (Figure 1 item 14);
28. Referring to claim 26, Zwan has further taught wherein at least one of the valid SONET path configuration options comprises: a configuration shortcut (Col 1 lines 11-14, Col 2 lines 43-46.)

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zwan, Zwan has taught wherein selecting the network device port from the GUI and SONET interface inventory as described in claim 16 (Col 2 lines 37-40, lines 57-64, Figure 4), however, Zwan has not taught wherein selection is made from a Ports tab or a SONET interfaces tab. However, Zwan has disclosed a plurality of tabs (buttons for configuration options in figure 4.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Zwan such that to includes the Ports tab and SONET interfaces tab because Ports and SONET interfaces could be one of the configuration options, and having Ports and SONET tabs would allow easy accesses for user to select the port.

A person with ordinary skill in the art would have been motivated to make the modification to Zwan because having the tabs would allow user to easy accesses for user to select the port from the GUI.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

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32. Lim et al., US Patent Number 6,434,619, has taught NMS that allows user to configure the SONET paths (Col 1 lines 12-21)
33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications.
35. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Liang-che Alex Wang *LW*
March 2, 2004

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER